

04-12-2024
Item No.8
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.13546 of 2024
Sri Arun Bhowmick

-vs-

The State of West Bengal & Ors.

Mr. Prantick Ghosh ...for the petitioner

Mr. Swapan Banerjee
Mr. Barun Chatterjee ...for the State

Ms. Mekhla Sinha
Ms. Malabika Roy ...for the Zilla Parishad

Ms. Ashmita Chakraborty
Mr. Kallol Saha
Mr. Akash Ghosh ...for respondent no.7

The grievance of the petitioner is directed *inter alia* seeking implementation of an order dated May 19, 2024 passed by the Howrah Zilla Parishad.

It is submitted on behalf of the petitioner that notwithstanding a categorical direction by the respondent no.2, *inter alia*, directing the private respondents to demolish the unauthorized and unsanctioned building at the subject premises, no steps have been taken by the private respondents.

In this background, the petitioner alleges that appropriate orders be passed directing demolition of the unauthorized and unsanctioned building situated at the subject premises.

The Howrah Zilla Parishad is represented and submits that the order dated April 19, 2024 ought to be implemented.

The private respondents are represented and submit that the petitioner is the brother of the private respondents. Moreover, a civil dispute is pending between the parties and the entire exercise in obtaining an order dated April 19, 2024 has been fraudulently orchestrated simply to harass and illegally pressurized the private respondents. The subject premises had been constructed as far back as in 1960 and is the ancestral home of both the petitioner and the private respondents. In view of the above, there is no question of any unauthorized or illegal construction having taken place at the subject premises.

A perusal of the order dated April 19, 2024 would reflect that there are no particulars as to the nature and factum of the illegal or unauthorized construction alleged to have taken place by the private respondents. It is apparent from the said Report that the petitioner and the private respondents are the family members and the disputes are purely private in nature. The alleged construction which is said to have taken place is bereft of particulars or any cogent materials whatsoever and is based on the surmises, conjectures and bald allegations.

In view of the above, the Report dated April 19, 2024 appears to be unworthy of any consideration. There has been no application of mind by the concerned officer in issuing the impugned order and the same is obviously done for oblique and extraneous reasons. There is also an *ex facie* jurisdictional issue in the impugned order.

In view of the above, there is no merit in the writ petition.

WPA No.13546 of 2024 is dismissed. The

petitioner is granted liberty to file an appropriate civil action seeking reliefs in accordance with law.

All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Ravi Krishan Kapur, J]